

# SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY

THIS POLICY IS REVIEWED ON AN ANNUAL BASIS

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Please note: 'School' refers to Chatsworth Schools; 'parents' refers to parents, guardians and carers.  
This is a whole school policy, which also applies to the Early Years Foundation Stage.

Dealing with sexual violence and sexual harassment between children (peer-on-peer abuse)

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## Introduction

Addressing harmful sexual behaviours early can prevent future problematic, abusive and/or violent behaviour. Within our school safeguarding culture, sexual misconduct is seen as unacceptable. The Department for Education (DfE)'s 'Sexual violence and sexual harassment between children in schools and colleges' contains advice for school leaders and governors to help them provide the best support and safeguarding for both victims and alleged perpetrators. In May 2018, the DfE updated their guidance in line with the revised statutory guidance 'Keeping Children Safe in Education'.

This document contains the relevant facts outlined in the DfE guidance, and will be kept under review, in particular aspects regarding relationships and sex education (RSE) and PSHE.

## Definitions

**Alleged perpetrator:** For the purposes of this guidance, 'alleged perpetrator', and where appropriate 'perpetrator', is used to describe a child accused of carrying out sexual violence and/or sexual harassment. It is important to note that any alleged perpetrator is entitled to, and deserves, a different level of support to that which might be provided to an adult alleged to have abused a child.

**Child:** This guidance article refers to anyone under the age of 18 as a 'child'.

**Victim:** For the purposes of this guidance, the term 'victim' is used to describe children who have been subjected to sexual violence and/or sexual harassment; however, when using the term in a school, school staff should be conscious of the fact that some children may not consider themselves a victim and may not wish to be described this way.

## Sexual harassment and sexual violence – the facts

Sexual violence and sexual harassment can occur online and offline (both physically and verbally), and are never acceptable. All victims should be taken seriously and offered appropriate support. Victims of sexual violence and harassment are likely to find the experience distressing and stressful, and it will, in all likelihood, adversely affect their education.

Whilst any report of sexual violence or sexual harassment should be taken seriously, schools should be aware that girls are more likely to be the victims of sexual violence, and boys are more likely to be the perpetrators of sexual harassment.

Schools should:

- Make it clear that sexual violence and sexual harassment are never acceptable and will never be tolerated – it is not an inevitable part of growing up.

- Not dismiss or tolerate sexual violence or harassment as “banter” or “part of growing up”.
- Challenge behaviour such as grabbing bottoms, breasts and genitalia. Tolerating such behaviours risks normalising them – they are potentially criminal acts.
- Understand that sexual violence and sexual harassment can be driven by wider societal factors, such as everyday sexist stereotypes and language.

Staff can be victims of sexual violence and sexual harassment – schools should have arrangements in place to protect staff from such abuse, including clear reporting and support mechanisms.

## Children with SEND

Children with SEND are especially vulnerable – they are three times more likely to be abused than their peers. Additional barriers to recognising abuse in children with SEND include:

- Assuming that indicators of abuse, such as mood and behaviour, relate to the child’s disability.
- Children with SEND being disproportionately impacted by bullying and harassment without showing any outward signs.
- Communication barriers.

Any reports of abuse involving pupils with SEND require close liaison with the DSL and SENCO.

## LGBT children

LGBT children can be targeted by their peers. In some cases, children who are perceived to be LGBT, whether they are or not, can be just as vulnerable to abuse as LGBT children.

A school’s response to boy-on-boy and girl-on-girl sexual violence and sexual harassment should be equally as robust as it is for incidents between children of the opposite sex.

## Sexual harassment

Sexual harassment, as defined in the DfE’s guidance, refers to unwanted conduct of a sexual nature that occurs online or offline. Sexual harassment violates a child’s dignity and makes them feel intimidated, degraded or humiliated, and can create a hostile, sexualised or offensive environment. If left unchallenged, sexual harassment can create an atmosphere that normalises inappropriate behaviour and may lead to sexual violence.

Sexual harassment includes:

- Sexual comments.
- Sexual “jokes” and taunting.
- Physical behaviour, such as deliberately brushing against another pupil.
- Online sexual harassment, including non-consensual sharing of images and videos and sharing sexual images and videos (often known as sexting), inappropriate comments on social media, exploitation, coercion and threats – online sexual harassment may be isolated or part of a wider pattern.

## Sexual violence

Children can, and sometimes do, commit sexual violence. The DfE uses the definitions of sexual violence provided in the Sexual Offences Act 2003:

**Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

**Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

**Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

Consent is given when a person agrees by choice, and has the freedom and capacity to make that choice. Consent may be given to one kind of sexual activity but not another. Consent can be withdrawn at any time and each time an activity occurs.

## Harmful sexual behaviours

Children’s sexual behaviours “exist on a wide continuum”, from normal and developmentally expected to inappropriate, abusive and violent. The term harmful sexual behaviours is used to describe behaviour that is problematic, abusive and violent, and that may cause developmental damage. The NSPCC guides that harmful sexual behaviour may include:

- Using sexually explicit words and phrases
- Inappropriate touching
- Sexual violence or threats.

Full penetrative sex with other children or adults.

It is important to note that harmful sexual behaviours can occur both online and offline, and sometimes simultaneously between the two.

Children displaying harmful sexual behaviour have often experienced their own abuse and trauma, and it is imperative that they are offered appropriate support.

The NSPCC warns that sexualised behaviour which is significantly more advanced than that which is expected for the child's age, or shows a lack of inhibition, could be cause for concern. Other warning signs the NSPCC says to look out for include:

- Sexual interest in adults or children of very different ages to their own.
- Forceful or aggressive sexual behaviour.
- Compulsive habits.
- Sexual behaviour affecting progress and achievement.
- Using sexually explicit words and phrases.
- Inappropriate touching.
- Sexual violence or threats.
- Full penetrative sex.

When considering whether behaviour is harmful, take into account the ages and stages of development of the children. Sexual behaviour can be harmful if one of the children is much older (especially where there is two years or more difference, or where one child is pre-pubescent and the other is not). Keep in mind that it is possible for a younger child to abuse an older child, particularly where they have power over them, such as where the older child has disabilities or is small in stature.

The Brooks sexual behaviours traffic light tool can help schools make decisions about whether sexual behaviour is harmful or natural. The University of Bedfordshire has developed a range of resources to support schools to address harmful sexual behaviour.

Schools can obtain detailed advice on harmful sexual behaviours from their local specialist violence centre, and can contact Rape Crisis or the Survivors Trust to find their nearest centre.

DSLs and their deputies should have a good understanding of harmful sexual behaviour – schools may wish to consider including this in their safeguarding training. Training can help schools plan preventative education, implement preventative measures, write and implement effective child protection policies, and incorporate their approach to tackling sexual violence and harassment into the whole-school approach to safeguarding.

Addressing harmful sexual behaviours early can prevent future problematic, abusive and/or violent

behaviour.

## Legal requirements for schools and school leaders

Schools are required by law to:

- Safeguard and promote the welfare of their pupils.
- Have a behaviour policy and other measures in place to prevent bullying.
- In maintained secondary schools, teach RSE, following the statutory guidance.
- Comply with the Human Rights Act 1998 – if a pupil is subjected to sexual violence or sexual harassment, it may breach their rights under the Act.
- Not unlawfully discriminate against pupils because of their protected characteristics.
- Support pupils with regard to their sex, sexuality and, if appropriate, gender reassignment.
- Take positive action, where demonstrably proportionate, to deal with disadvantages affecting a group, e.g., taking action to support girls if there is evidence that they are being disproportionately subjected to sexual violence or harassment.
- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between different groups, and foster good relations between different groups - meaning that schools must consider equality implications whenever policy decisions are made.

Keeping records of sexual violence and sexual harassment reports is essential, as this information should be considered whenever schools make equality decisions.

## Taking a preventative approach

Schools' approach to sexual violence and sexual harassment should be part of their broader approach to safeguarding, and should be transparent, clear and easy to understand for staff, children and parents.

Schools should have a clear set of values and standards underpinned by their behaviour policy and pastoral system, and by a programme of evidence-based content taught through the curriculum – often through high-quality RSE and PSHE lessons. Such content should be age and stage of development specific, and tackle issues such as the following:

- Healthy relationships
- Respectful behaviour
- Gender roles, stereotyping and equality
- Body confidence and self-esteem
- Prejudiced behaviour

- That sexual violence and sexual harassment is always wrong

### Addressing cultures of sexual harassment

The DfE is currently exploring the possibility of making PSHE compulsory in all schools.

It is good practice to ensure that children are allowed an open forum to talk about concerns and sexual behaviour. They should be taught how to raise concerns and make a report, including concerns about their friends or peers, and how a report will be handled.

Schools should consider whether external input is necessary for training staff and children, and to provide support. If schools engage an external service, they should make sure they are high-quality by obtaining written testimonials or by only engaging well-known and established providers.

A case study example can be found on page 18 of the DfE guidance.

### Contextual safeguarding

All staff, and particularly the DSL, should be aware of the context within which safeguarding incidents and behaviours occur – this is known as contextual safeguarding, where an assessment of a child should consider whether wider environmental factors are a threat to their safety or welfare. For this reason, it is imperative that schools and colleges provide as much information as possible as part of the referral process.

### Training requirements

Schools are free to determine staff members' safeguarding training requirements; however, as outlined in KCSIE, schools should consider the importance of staff being aware of the various types of abuse and neglect. It is also important that staff know how to report concerns, handle disclosures and offer support, and know where to go when they need support.

### Decision making

Reports of safeguarding concerns are likely to be complex and require difficult decisions to be made – quickly and under pressure. Good policies, training and planning will allow considered decisions to be made.

Decisions should be made on a case-by-case basis, with the DSL (or a deputy) taking the leading role and using their professional judgement, supported by other agencies as required; however, the following situations are statutorily clear and do not allow for contrary decisions:

- A child under the age of 13 can never consent to sexual activity.
- The age of consent is 16.
- Sexual intercourse without consent is rape.
- Rape, assault by penetration and sexual assault are defined in law.
- Creating and sharing sexual photos and videos of children under 18 is illegal - including children making and sending images and videos of themselves.

Schools are not alone in decision-making responsibilities, and external agencies are available to provide support.

Support available if a child has been harmed, is in immediate danger or at risk of harm

The basic principle is: if a child has been harmed, is in immediate danger or is at risk of harm, a referral should be made to children's social care. Within one working day, a social worker should respond to the referrer to explain the action that will be taken.

Support available if early help, section 17 and/or section 47 statutory assessments are appropriate

If early help, section 17 and/or section 47 statutory assessments (assessments under the Children Act 1989) are appropriate, school staff may be required to support external agencies. The DSL and deputies should support staff as required.

LAs have clear arrangements in place for managing referrals – it is important that all staff understand the process in place.

Support available if a crime may have been committed

Rape, assault by penetration and sexual assaults are crimes. Where a report includes such an act, the police should be notified, often as a natural progression of making a referral to children's social care. The DSL should be aware of the local process for referrals to both children's social care and the police.

Whilst the age of criminal responsibility is 10, if the alleged perpetrator is under 10, the principle of referring to the police remains. In these cases, the police will take a welfare approach rather than a criminal justice approach.

It is important that schools have close relationships with their local police force, and the DSL should liaise closely with the local police presence.

Support available if reports include online behaviour

Online concerns can be especially complicated. Schools should recognise that there is potential for an

online incident to extend further than the local community and for a victim, or the alleged perpetrator, to become marginalised and excluded both online and offline. There is also strong potential for repeat victimisation if the content continues to exist.

If the incident involves sexual images or videos, the Internet Watch Foundation can provide support to have the material removed.

The UK Council for Child Internet Safety (UKCCIS) has created guidance for schools when sexting incidents occur.

Schools can also access the UK Safer Internet Centre's online safety helpline on 0344 381 4772, available Monday to Friday between the hours of 10am and 4pm, or by emailing [helpline@saferinternet.org.uk](mailto:helpline@saferinternet.org.uk).

Additional support available

Schools can access guidance from the Anti-Bullying Alliance about preventing and responding to sexual bullying.

The NSPCC's helpline, available 24/7, provides advice and support for school staff, and can be reached on 0808 800 5000 or by emailing [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

Understanding the local support network

Schools should know the local processes and keep-up-to-date with any changes. A detailed understanding of the processes should inform safeguarding and child protection policies, and prepare staff for when reports are made.

## Immediately responding to reports

Managing disclosures

Victims should always be taken seriously, reassured, supported and kept safe. Victims should never be made to feel like they are causing a problem or made to feel ashamed.

If a friend of a victim makes a report or a member of staff overhears a conversation, staff should take action in accordance with their child protection policy – they should never assume that someone else will deal with it. The basic principles remain the same as when a victim reports an incident; however, staff should consider why the victim has not chosen to make a report themselves, and the discussion should be handled sensitively and with the help of children's social care where necessary. If staff are in any doubt, they should speak to the DSL.

Where an alleged incident took place away from the school or online but involved pupils from the school,

the school's duty to safeguard their pupils remains the same. Appropriate information sharing and effective multi-agency working will be especially important in these situations.

All staff should be trained to handle disclosures. Effective safeguarding practice includes:

- Never promising confidentiality at the initial stage.
- Only sharing the report with those necessary for its progression.
- Explaining to the victim what the next steps will be and who the report will be passed to.
- Recognising that the person the child chose to disclose the information to is in a position of trust.
- Being clear about boundaries and how the report will be progressed.
- Not asking leading questions and only prompting the child with open questions.
- Waiting until the end of the disclosure to immediately write a thorough summary. If notes must be taken during the disclosure, it is important to still remain engaged and not appear distracted.
- Only recording the facts as the child presents them – not the opinions of the note taker.
- Where the report includes an online element, being aware of searching, screening and confiscation advice and UKCCIS sexting advice.
- Wherever possible, managing disclosures with two staff members present (preferably with the DSL or a deputy as one of the staff members).
- Informing the DSL or deputy as soon as possible after the disclosure, if they could not be involved in the disclosure.

### Confidentiality

Schools should only engage staff and agencies required to support the victim and/or be involved in any investigation. If a victim asks the school not to tell anyone about the disclosure, the school cannot make this promise. Even without the victim's consent, the information may still be lawfully shared if it is in the public interest and protects children from harm. The DSL should consider the following:

Parents should be informed unless it will place the victim at greater risk.

If a child is at risk of harm, is in immediate danger or has been harmed, a referral should be made to children's social care.

Rape, assault by penetration and sexual assaults are crimes – reports containing any such crimes should be passed to the police.

The DSL will need to weigh the victim's wishes against their duty to protect the victim and others. If a referral is made against the victim's wishes, it should be done so extremely carefully and the reasons for referral should be explained to the victim. Appropriate specialist support should always be offered.

### Anonymity

There are legal requirements for anonymity where a case is progressing through the criminal justice system. Schools should do all they can to protect the anonymity of children involved in any report of sexual violence or sexual harassment. They must carefully consider, based on the nature of the report, which staff should be informed and what support should be in place for the children involved.

When deciding on the steps to take, it is important to consider the role of social media in potentially exposing victims' identities and facilitating the spreading of rumours.

#### Risk assessment

The DSL or a deputy should make an immediate risk and needs assessment any time there is a report of sexual violence. For reports of sexual harassment, a risk assessment should be considered on a case-by-case basis. Risk assessments are not intended to replace the detailed assessments of experts, and for incidents of sexual violence it is likely that a professional risk assessment by a social worker or sexual violence specialist will be required.

Risk assessments should consider:

- The victim.
- The alleged perpetrator.
- Other children at the school, especially any actions that are appropriate to protect them
- They should be recorded (either on paper or electronically) and kept under review.

#### Taking action following a disclosure

The DSL or a deputy should decide the school's initial response, taking into consideration:

- The victim's wishes.
- The nature of the incident.
- The ages and developmental stages of the children involved.
- Any power imbalance between the children.
- Whether the incident is a one-off or part of a pattern.
- Any ongoing risks.
- Any related issues and the wider context, such as whether there are wider environmental factors in a child's life that threaten their safety and/or welfare.
- The best interests of the child.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.
- Immediate consideration should be given as to how to support the victim, alleged perpetrator and any other children involved.

For reports of rape and assault by penetration, whilst the school establishes the facts, the alleged perpetrator should be removed from any classes shared with the victim. The school should consider how to keep the victim and alleged perpetrator apart on school premises, and on transport where applicable. These actions should not be seen as a judgement of guilt on the alleged perpetrator.

For reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and the suitability of shared classes, premises and transport should be considered immediately.

In all cases, the initial report should be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children should be taken into consideration.

## Managing the report

The decision of when to inform the alleged perpetrator of a report should be made on a case- by- case basis. If a report is being referred to children's social care or the police, the school should speak to the relevant agency to discuss informing the alleged perpetrator.

There are four likely outcomes when managing reports of sexual violence or sexual harassment:

- Managing internally
- Early help
- Referral to children's social care
- Reporting to the police

Whatever outcome is chosen, it should be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All concerns, discussion, decisions and reasons behind decisions should be recorded either on paper or electronically.

### Managing internally

In some cases, e.g. one-off incidents, the school may decide to handle the incident internally, perhaps through their behaviour and bullying policies and by providing pastoral support.

A case study example can be found on pages 27-28 of the DfE guidance.

### Early help

The school may decide that statutory interventions are not required, but the children may benefit from early help – providing support as soon as a problem emerges. This approach can be particularly useful in addressing non-violent harmful sexual behaviour, and may prevent escalation of sexual violence.

## Referral to children's social care

If a child has been harmed, is at risk of harm or is in immediate danger, the school should make a referral to children's social care. Parents should be informed unless there is a compelling reason not to do so (if referral will place the victim at risk). This decision should be made in consultation with children's social care.

The school should not wait for the outcome (or even the start) of an investigation before protecting the victim and other children. The DSL should work closely with children's social care to ensure that the school's actions do not jeopardise any investigation. Any related risk assessment should be used to inform all decisions.

If children's social care decides that a statutory investigation is not appropriate, the school should consider referring the incident again if they believe the child to be in immediate danger or at risk of harm. If the school agrees with the decision made by children's social care, they should consider the use of other support mechanisms such as early help, pastoral support and specialist support.

## Reporting to the police

Reports of rape, assault by penetration or sexual assault should be passed on to the police. Generally, this will be in parallel with referral to children's social care. The DSL and deputies should follow the local process for referral.

Parents should be informed unless there is a compelling reason not to do so. Where parents are not informed, it is essential for the school to support the child with any decision they take, in unison with children's social care and any appropriate specialist agencies.

The school should consult their policy and agree what information should be disclosed to staff and others, in particular the alleged perpetrator and their parents. They should also discuss the best way to protect the victim and their anonymity.

The DSL should be aware of local arrangements and specialist units that investigate child abuse.

In some cases, it may become clear quickly that the police will not take further action, for whatever reason. In these circumstances, it is important that the school continues to engage with specialist support for the victim as required.

## Bail conditions

Police bail is only used in exceptional circumstances. It is unlikely that a child will be placed on police bail if alternative measures can be used to mitigate risks.

It is essential that the school, children's social care and the police work together to support the victim, alleged perpetrator and other children (especially witnesses) during criminal investigations. Schools should seek advice from the police to ensure they meet their safeguarding responsibilities.

The term 'released under investigation' (RUI) is used to describe alleged perpetrators released in circumstances that do not warrant the application of bail.

Where bail is deemed necessary, the school should work with children's social care and the police to safeguard children – ensuring that the victim can continue in their normal routine and continue to receive a suitable education.

#### Managing delays in the criminal justice system

Schools should not wait for the outcome (or even the start) of criminal proceedings before protecting the victim, alleged perpetrator and other children. They should use their risk assessment to inform any decisions made.

The DSL should work closely with the police to ensure the school does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

#### The end of the criminal process

Risk assessments should be updated if the alleged perpetrator receives a caution or is convicted. If the perpetrator remains in the same school as the victim, the school should set out clear expectations regarding the perpetrator, including their behaviour, and any restrictions deemed reasonable and proportionate with regards to the perpetrator's timetable.

Any conviction is likely to be of interest to the school community, and so it is important that the school ensures the victim and perpetrator remain protected from bullying and harassment (including online).

Where a perpetrator is found not guilty or a case is classed as requiring "no further action", the school should offer support to the victim and alleged perpetrator for as long as is necessary. The victim is likely to be traumatised and the fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. Schools should discuss decisions with the victim and offer support.

The alleged perpetrator is also likely to require ongoing support, as they have also been through a difficult and upsetting experience.

A case study example can be found on page 32-33 of the DfE guidance.

## Ongoing support and safeguarding

The victim

Any decisions regarding safeguarding and supporting the victim should be made with the following considerations in mind:

- The terminology the school uses to describe the victim
- The age and developmental stage of the victim
- The needs and wishes of the victim
- Whether the victim wishes to continue in their normal routine
- The victim should not be made to feel ashamed about making a report
- What a proportionate response looks like

Victims may not disclose the whole picture immediately and they may be more comfortable talking about the incident on a piecemeal basis; therefore, it is essential that a dialogue is kept open and the victim can choose to appoint a designated trusted adult.

Victims may struggle in a normal classroom environment. Whilst it is important not to isolate the victim, the victim may wish to be withdrawn from lessons and activities at times. This should only happen when the victim wants it to, not because it makes it easier to manage the situation. Schools may wish to provide a physical space for victims to withdraw to.

Victims may require support for a long period of time and schools should be prepared to offer long- term support in liaison with relevant agencies.

Everything possible should be done to prevent the victim from bullying and harassment as a result of any report they have made.

If the victim is unable to remain in the school, alternative provision or a move to another school should be considered – this should only be considered at the request of the victim and following discussion with their parents.

If the victim does move to another school, the DSL should inform the school of any ongoing support needs and transfer the child protection file.

It is important to remember that the level of support required for a one-off incident of sexualised name calling is likely to be entirely different to the level required following a report of rape.

A case study example can be found on page 35 of the DfE guidance.

## The alleged perpetrator

When considering the support required for an alleged perpetrator, schools should take into account:

- The terminology they use to describe the alleged perpetrator or perpetrator.
- The balance of safeguarding the victim and providing the alleged perpetrator with education and support.
- The reasons why the alleged perpetrator may have abused the victim – and the support necessary.
- Their age and developmental stage.
- What a proportionate response looks like.
- Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials.

When making a decision, advice should be taken from children's social care, specialist sexual violence services and the police as appropriate.

If the alleged perpetrator moves to another school (for any reason), the DSL should inform the destination school of any ongoing support needs and transfer the child protection file.

## Disciplining the alleged perpetrator

Teachers can discipline children whose conduct does not meet the standards reasonably expected of them. Disciplinary action can be taken whilst investigations are ongoing, and the fact that investigations are ongoing does not prevent the school reaching its own conclusion and imposing an appropriate penalty.

Schools should make such decisions on a case-by-case basis, with the DSL taking a leading role. The school should take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The police and children's social care can help schools make such decisions.

Schools should also consider whether circumstances make it unreasonable or irrational for the school to make a decision about what happened while an investigation is considering the same facts.

Disciplinary action and support can take place at the same time. Schools should be clear whether action taken is disciplinary, supportive or both.

## The victim and alleged perpetrator sharing classes

Once the DSL has decided to progress a report, they should again consider whether the victim and alleged perpetrator should be separated in classes, on school premises and on school transport – balancing the school’s duty to educate against its duty to safeguard.

The best interests of the pupil should always come first.

Where there is a criminal investigation into rape, assault by penetration or sexual assault, the alleged perpetrator should be removed from classes with the victim and potential contact on school premises and transport should be prevented.

Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of discipline and result in the view that allowing the perpetrator to remain in the school would harm the education or welfare of the victim and potentially other pupils. Where a criminal investigation into sexual assault leads to a conviction or caution, the school should consider suitable sanctions and permanent exclusion. If the perpetrator will remain at the school, the school should keep the victim and perpetrator in separate classes and manage potential contact on school premises and transport. The nature of the conviction or caution, alongside the wishes of the victim, should inform any discussions made.

Where a report of sexual assault does not lead to a police investigation, this does not mean that the offence did not happen or that the victim has lied. Both the victim and alleged perpetrator will be affected, and appropriate support should be provided. Considerations regarding sharing classes and potential contact should be made on a case-by-case basis.

In all cases, schools should record their decisions and be able to justify them. The needs and wishes of the victim should always be “at the heart of the process”.

## Working with parents and carers

In most sexual violence cases, the school will work with the parents of both the victim and alleged perpetrator. For cases of sexual harassment, this will depend on the decisions made on a case-by-case basis.

The school should meet the victim’s parents with the victim present to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report.

Schools should also meet with the parents of the alleged perpetrator to discuss arrangements that will impact the alleged perpetrator, such as moving them out of classes with the victim. Reasons behind decisions should be explained and the support being made available should be discussed. The DSL or a deputy should attend such meetings, with agencies invited as necessary.

Clear policies regarding how the school will handle reports of sexual violence, and how victims and alleged perpetrators will be supported, should be made available to parents – in some cases, this can help to manage very difficult conversations.

## Safeguarding other children

Children who have witnessed sexual violence, especially rape and assault by penetration, should be provided with support.

It is likely that children will “take sides” following a report, and the school should do everything in its power to protect the victim, alleged perpetrator and witnesses from bullying and harassment.

Schools should keep in mind that contact may be made between the victim and alleged perpetrator, and that harassment from friends of both parties could take place, via social media.

As part of a school’s risk assessment following a report, transport arrangements should be considered, as it is a potentially vulnerable place for both a victim and alleged perpetrator. Schools should consider any additional support that can be put in place.

Effective preventative education can help to facilitate a supportive and respectful environment when reports are made. Policies, processes and preventative education should be kept under constant review and updated as necessary.

## Available support

The DfE has recommended the following information and support:

### Specialist organisations

- Barnardo's
- Lucy Faithfull Foundation
- NSPCC
- Rape Crisis
- University of Bedfordshire: Contextual Safeguarding
- UK Safer Internet Centre
- Support for victims
- Anti-Bullying Alliance
- MoJ Victim Support

- Rape Crisis
- The Survivors Trust
- Victim Support

#### Toolkits

Brook NSPCC Safeguarding Unit, Farrer and Co. and Carlene Firmin, MBE, University of Bedfordshire

#### Confidentiality and information sharing

- Gillick competency Fraser guidelines
- Government information sharing advice
- Information Commissioner's Office: Education
- NSPCC: Things to know and consider
- Sexting
- UKCCIS: sexting advice
- London Grid for Learning - collection of advice

#### Support for parents

- Parentzone
- Parentsafe - London Grid for Learning
- CEOP Thinkuknow advice for parents:
  - Challenging harmful sexual attitudes and their impact
  - Supporting positive sexual behaviour

#### Bibliography

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